

REMARKS

Claims 1-23 have been examined. Claims 1, 7, 11 and 21 have been amended. Reconsideration of the claims, as amended, is respectfully requested.

Claim Rejections - 35 U.S.C. §102

Claims 1-7, 11-13 and 16-21 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,279,185 to Matthews. This rejection is respectfully traversed.

As currently pending, claim 1 claims a pillow that comprises among other elements a pillow body having a mid-section and pair of ends. The pillow body is curved and has an average radius of curvature in the range from about 6 inches to about 16 inches. As described in the application, the "average" radius of curvature "represents the radius that is generated if an arc is drawn between a center point of the pillow body and the two ends. Because the pillow may not be fashioned according a true geometric arc, the term "average" is used to indicate it is merely an approximation." Page 3, lines 2-5.

In contrast to the pillow of claim 1, the Matthews patent does not describe a pillow having such an average radius of curvature. The closest analogous dimensions described in the Matthews patent are the diameter of the well, which is described as being 4-12 inches. Assuming, arguendo, that the well of the Matthews patent were a circle, its radius would be in the range from 2-6 inches.

In contrast, the pillow of claim 1 recites a pillow body having an average radius of curvature in the range from about 6 inches to about 16 inches. Hence, claim 1 is distinguishable without amendment.

However, in order to expedite prosecution, claim 1 has been amended to recite that the ends are spaced apart from each other in the range from about 14 inches to about 28 inches without being stretched apart. Support for such a limitation may be found at, for example, page 4, lines 7-9. In contrast, the Matthews patent describes that the ends of the arms 18 and 20 come within about 8 inches of each other when not being stretched apart. Hence, claim 1 which has been amended to recite a range from about 14 inches to about 28 inches without being

stretched apart is distinguishable for this additional reason. It is therefore respectfully requested that the §102(b) rejection of independent claim 1 and dependent claims 2-7 in view of the Matthews patent be withdrawn.

Independent claim 11 claims a method for supporting an item and utilizes a pillow body having an average radius of curvature in the range from about 6 inches to about 16 inches. Further, claim 11 has been amended to recite that the ends are spaced apart from each other in the range from about 14 inches to about 28 inches without stretching the arms. Hence, claim 11 is distinguishable over Matthews for at least the reasons previously described in connection with claim 1. Claims 12, 23 and 16-21 depend from claim 11 and are distinguishable for at least the same reasons.

Claims 1-5, 9-19 and 23 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,581,833 to Zenoff. This rejection is respectfully traversed.

With regard to independent claim 1, the Zenoff patent contains no dimensions that describe an average radius of curvature for the pillow body that is in the range from about 6 inches to about 16 inches. Hence, claim 1 is distinguishable without amendment. Further, nowhere in the Zenoff patent is there any teaching of having the ends spaced apart from about 14 inches to about 28 inches without being stretched apart. Rather, as shown in the Figures of the Zenoff patent (such as in Fig. 2B), the ends of the Zenoff pillow are almost touching each other and are clearly not spaced apart from each other in the range from about 14 inches to about 28 inches. Indeed, the Zenoff patent describes that the two ends "are adjacent to each other." Column 7, lines 5-6. Hence, claim 1 is distinguishable over the Zenoff patent. Claims 2-5 and 9-10 depend from claim 1 and are distinguishable for at least the same reasons.

As previously described, independent claim 11 also includes the limitation of an average radius of curvature in the range from about 6 inches to about 16 inches and having the ends spaced apart from about 14 inches to about 28 inches without stretching the arms. Hence, independent claim 11 and dependent claims 12-19 and 23 are distinguishable over the Zenoff patent, and it is respectfully requested that the §102(b) rejection of these claims be withdrawn.

Claim Rejections - 35 U.S.C. §103

Appl. No. 10/612,266
Amdt. dated September 2, 2004
Reply to Office Action of August 9, 2004

PATENT

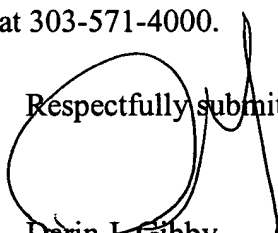
Claims 8 and 22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Matthews '185 in view of Pender '649. Claim 8 depends from claim 1 and claim 22 depends from claim 11. As previously described, these claims are distinguishable over Matthews. Hence, claims 8 and 22 are distinguishable over the cited art for at least the reasons previously described. Hence, it is respectfully requested that the §103 rejection of claims 8 and 22 be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


Darin J. Gibby
Reg. No. 38,464

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (303) 571-4000
Fax: (303) 571-4321
DJG/cl
60297754 v1